

# Senate Study Bill 3201 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON CHAPMAN)

## A BILL FOR

1 An Act providing for the sale of certain homemade food to end  
2 consumers.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

HOME FOOD PROGRAM

Section 1. NEW SECTION. 137G.1 Short title.

This chapter shall be known and may be cited as the "*Iowa Food Freedom Act*".

Sec. 2. NEW SECTION. 137G.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Delivery*" means the transfer of homemade food resulting from a transaction between a producer and an end consumer.

2. "*Department*" means the department of inspections and appeals.

3. "*End consumer*" means a person who is the last person to purchase food, and who does not resell the food.

4. "*Farm*" means a location that operates to generate income from the sale of food produced at the location, including but not limited to income reportable on a schedule F as part of a form 1040 or form 1041 tax return filed with the United States internal revenue service.

5. "*Farmers market*" means the same as defined in section 137F.1.

6. "*Food*" means any raw or prepared edible substance, beverage, or ingredient used or sold, or intended for use or sale, in whole or in part for human consumption.

7. "*Food establishment*" means the same as defined in section 137F.1.

8. "*Home*" means the premises of a private residence, including a kitchen that is part of the premises, where homemade food is prepared or processed.

9. "*Home consumption*" means any of the following:

a. The consumption of food in a home.

b. The consumption of food from a home and only by a family member, an employee, or a nonpaying guest.

10. "*Homemade food*" means food that is prepared or processed in a kitchen of a home.

1 11. "*Prepare*" includes to package or store food.

2 12. "*Process*" means an act related to manufacturing or  
3 treating a product, or combining products, to create food,  
4 including but not limited to cooking or baking.

5 13. "*Producer*" means a person who grows, harvests, prepares,  
6 or processes food on property owned or leased by the person.

7 14. "*Transaction*" means an exchange involving the buying and  
8 selling of a good.

9 Sec. 3. NEW SECTION. 137G.3 **Purpose.**

10 The purpose of this chapter is to allow for a producer's  
11 production, preparation, processing, and sale of homemade  
12 food to an informed end consumer for the end consumer's home  
13 consumption and to encourage the expansion of food sales at  
14 a producer's farm, a producer's home or office, or a farmers  
15 market by doing all of the following:

16 1. Facilitating the purchase and consumption of fresh and  
17 local food.

18 2. Enhancing the agricultural economy.

19 3. Providing Iowa citizens with unimpeded access to healthy  
20 food from known sources.

21 Sec. 4. NEW SECTION. 137G.4 **Scope of regulation.**

22 1. Notwithstanding any provision of law to the contrary,  
23 homemade food that is prepared or processed and sold or  
24 offered for sale in compliance with this chapter is exempt from  
25 licensure, certification, permitting, inspection, packaging,  
26 and labeling requirements.

27 2. A transaction under this chapter shall be subject to all  
28 of the following requirements:

29 a. The transaction must occur directly between the producer  
30 and the end consumer.

31 b. The homemade food subject to the transaction must only  
32 be used for home consumption.

33 c. The transaction must occur entirely in this state and  
34 must not involve interstate commerce.

35 d. The transaction must not involve the sale of a meat food

1 product. However, the transaction may involve the sale of a  
2 domestic rabbit meat product.

3 *e.* The transaction must not involve the sale of a poultry  
4 product, unless all of the following apply:

5 (1) The producer slaughters not more than one thousand  
6 poultry that the producer owns and raises during any calendar  
7 year.

8 (2) The producer does not engage in buying or selling  
9 poultry products other than those produced from poultry that  
10 the producer raises.

11 (3) The poultry product is not adulterated or misbranded.

12 *f.* The transaction must not involve any of the following:

13 (1) The sale of live animals.

14 (2) The sale of portions of live animals before slaughter  
15 for future delivery.

16 *g.* The transaction must not involve the sale of farm-raised  
17 fish, unless all of the following apply:

18 (1) The fish is produced in accordance with chapter 481A.

19 (2) The fish is not catfish.

20 3. *a.* Homemade food must be sold or offered for sale at the  
21 farm where the homemade food was produced, the producer's home  
22 or office, a farmers market, or any other location agreed to by  
23 the producer and end consumer.

24 *b.* A producer may arrange for the delivery of homemade food  
25 by the producer or the producer's designated agent at a farm  
26 where the homemade food was produced, the producer's home or  
27 office, a farmers market, or any location agreed to by the  
28 producer and the end consumer.

29 *c.* (1) Homemade food may be sold or offered for sale at  
30 a retail space located at the farm where the homemade food  
31 is produced, or a home where the homemade food is prepared  
32 or processed. The retail space shall display information  
33 notifying an end consumer that the retail space has not been  
34 inspected. If the retail space is associated with a food  
35 establishment or offers for sale any food subject to inspection

1 by the department, the retail space shall be subject to rules  
2 adopted by the department pursuant to chapter 17A. The rules  
3 shall at least require all of the following:

4 (a) That the retail space be physically separated from  
5 the food establishment with a separate door and separate cash  
6 register or point of sale.

7 (b) That each separate space shall include a sign clearly  
8 indicating which spaces offer inspected food for sale and which  
9 spaces offer homemade food that is not inspected.

10 (c) The separation of coolers, freezers, and warehouse or  
11 other storage areas to prohibit the intermingling of inspected  
12 food for sale and homemade food that is not inspected.

13 (2) Subparagraph (1) does not apply to fresh fruits or  
14 vegetables.

15 4. A producer shall inform the end consumer that any  
16 homemade food sold is not subject to state regulation as  
17 provided in this section.

18 5. Nothing in this chapter shall be construed to do any of  
19 the following:

20 a. Impede the Iowa department of public health from  
21 conducting any investigation of a foodborne illness.

22 b. Change animal health requirements by the department of  
23 agriculture and land stewardship pursuant to Title V.

24 c. Preclude a state agency from providing assistance,  
25 consultation, or inspection at the request of a producer.

26 Sec. 5. NEW SECTION. 137G.5 Rulemaking.

27 The department may adopt rules pursuant to chapter 17A as  
28 necessary to administer this chapter.

29 DIVISION II

30 RELATED CHANGES

31 Sec. 6. NEW SECTION. 137D.9 Exception.

32 This chapter does not apply to the production, preparation,  
33 processing, sale, or offer for sale of homemade food to the  
34 extent allowed under chapter 137G.

35 Sec. 7. NEW SECTION. 137F.20 Exception.

1     This chapter does not apply to the production, preparation,  
2 processing, sale, or offer for sale of homemade food to the  
3 extent allowed under chapter 137G.

4     Sec. 8. NEW SECTION. 189.32 **Exception.**

5     This chapter does not apply to the production, preparation,  
6 processing, sale, or offer for sale of homemade food to the  
7 extent allowed under chapter 137G.

8     Sec. 9. NEW SECTION. 189A.23 **Exception.**

9     This chapter does not apply to the production, preparation,  
10 processing, sale, or offer for sale of homemade food to the  
11 extent allowed under chapter 137G.

12    Sec. 10. NEW SECTION. 190.16 **Exception.**

13    This chapter does not apply to the production, preparation,  
14 processing, sale, or offer for sale of homemade food to the  
15 extent allowed under chapter 137G.

16    Sec. 11. NEW SECTION. 191.9A **Exception.**

17    This chapter does not apply to the production, preparation,  
18 processing, sale, or offer for sale of homemade food to the  
19 extent allowed under chapter 137G.

20    Sec. 12. NEW SECTION. 192.105A **Exception.**

21    This chapter does not apply to the production, preparation,  
22 processing, sale, or offer for sale of homemade food to the  
23 extent allowed under chapter 137G.

24    Sec. 13. NEW SECTION. 194.26 **Exception.**

25    This chapter does not apply to the production, preparation,  
26 processing, sale, or offer for sale of homemade food to the  
27 extent allowed under chapter 137G.

28    Sec. 14. NEW SECTION. 196.13A **Exception.**

29    This chapter does not apply to the production, preparation,  
30 processing, sale, or offer for sale of homemade food to the  
31 extent allowed under chapter 137G.

32                                   EXPLANATION

33           The inclusion of this explanation does not constitute agreement with  
34           the explanation's substance by the members of the general assembly.

35    This bill provides that notwithstanding any other law

1 to the contrary, a person may engage in the production,  
2 preparation, processing, and sale of homemade food (including  
3 beverages) without obtaining an authorization (permit,  
4 license, or certification) by the state or being subject to  
5 state inspection, packaging, or labeling requirements. The  
6 department of inspections and appeals is responsible for  
7 administering the bill's provisions.

8 The bill provides that a sales transaction must be made  
9 directly between a producer and an end consumer who must be  
10 provided notice regarding the producer's exempt status. Any  
11 preparation or processing must occur in a home, the transaction  
12 cannot involve interstate commerce, and the items subject to  
13 the transaction cannot include meat other than rabbit, and  
14 under certain conditions poultry or fish. The transaction must  
15 occur at a farmers market, a farm, a producer's home or office,  
16 or another location agreed to by the producer and end consumer.  
17 The bill includes special restrictions on a retail space where  
18 the item is sold in proximity to a food establishment such as a  
19 restaurant or grocery store subject to license and inspection  
20 requirements.

21 The bill provides exemptions from requirements in a number  
22 of Code chapters that would otherwise apply, including Code  
23 chapters 137D (home bakeries), 137F (food establishments and  
24 food processing plants), 189 (general food regulations), 189A  
25 (meat and poultry inspection), 190 (adulteration of foods), 191  
26 (labeling of foods), 192 and 194 (licensing and inspection of  
27 dairy facilities), and 196 (egg handlers).